



Georgia-Pacific Corporation

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Rebecca Kane
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Mail Code 2222A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: Comments in regards to 67 FR 70079, November 20, 2002, addressing the Enforcement & Compliance History Online (ECHO) database.

Dear Ms. Kane,

These comments are submitted on behalf of Georgia-Pacific Corporation, one of the world's leading manufacturers and distributors of tissue, pulp, paper, packaging, building products and related chemicals, employing more than 65,000 people at 400 facilities in North America and Europe. The comments are in response to the November 20, 2002, Federal Register request (67 FR 70079) soliciting comments on the general, structure, content and presentation of data in the ECHO database. In addition to these comments, Georgia-Pacific also endorses the comments submitted by the following organizations the company belongs to: the American Chemistry Council, the Corporate Environmental Enforcement Council and the Coalition for Effective Environmental Information.

While the EPA is to be commended for its desire and efforts in making information available to stakeholders in as efficient a manner as possible and maximizing its resources, it is imperative that the *accuracy of data* and *transparency* be emphasized at every step in the posting process. In reviewing facility data level and submitting error corrections, several areas for improvement in the current database structure and presentation became evident. Addressing these concerns, and those raised by other parties submitting comments, will ensure that the EPA continues to improve access to accurate information through a transparent process, in a timely manner, for all stakeholders.

COMPLIANCE DATA

The current format for presenting compliance data limits the transparency the EPA is striving to accomplish in making data available online. First, entries are often based on allegations that may be clarified upon further investigation rather than on actual violations. In the event that further investigation proves that a violation did not occur, the facility's compliance record will be distorted. Furthermore, relying on actual violations would enable the EPA to ensure it is

presenting accurate information to the public and its other stakeholders, while allowing the regulated community a degree of due process in disclosing compliance information.

Presenting violations in a manner that reflects the time frame in which they occurred is another area for improving the format. Under the current system, a violation that occurs at a single moment or for a brief period cannot be distinguished from an ongoing violation. This creates the impression that every violation is ongoing, even if it has been addressed by all concerned parties and corrected or is going through the appropriate programmatic review process. In many instances, the identification of an allegation, the pursuant investigation and determination of a violation may span several quarters of the information reported in the ECHO database. By failing to account for this “time lag”, ECHO may exaggerate many instances of non-compliance and distort a facility’s compliance record.

Context and Presentation of Information

In presenting, a wide array of compliance data and historical information, the EPA must recognize the potential exists for information to be presented in a manner that may be unclear or easily misunderstood by potential users. The data dictionary employed by the site forces users to search for a description of the context the data is presented in and may lead to a misunderstanding of what the data actually addresses. The Significance Non-Compliance designations, quarterly compliance information, summary of compliance information and demographic data areas where this is likely to occur in the ECHO database.

Each program area uses a different measure to classify whether or not a facility is in significant non-compliance (SNC), and it is not clearly defined how the measures differ in each program and how that relates to the facility’s operations. Rolling up data from state databases and other EPA program databases is one of the key underpinnings of the ECHO database. While the EPA has taken great effort to compile this information in a consistent manner, problems may still arise due to the fact that each database was designed to operate on its own and is now being fed into a different system. An example of this is permits containing seasonal parameters. If a value does not appear in an underlying the database, rolling data up may erroneously interpret that as a violation. Also, the underlying systems refresh data on different, making it difficult to identify when an error has been corrected and how current the information and potential changes are on the detailed reports.

IMPROVING ACCURACY AND TRANSPARENCY

Developing a consistent system for reporting errors and processing those submissions, clearly flagging errors throughout the database and reviewing data prior to posting on the Internet are areas that need to be addressed to improve the accuracy of data and transparency of the posting process.

Currently, a facility representative may submit an error report and those reports are routed to the respective data stewards for review. At this point in the process there needs to be a consistent and definitive set of steps to be followed in reviewing errors, clarifying information, making changes and updating systems. While these steps all currently exist, specific time limits for each step of the process need to be developed to ensure that errors are reviewed and addressed in a timely and consistent manner across the entire system.

Once an error has been reported, flagging the specific data item in question would accomplish several goals. It would prevent inaccurate information from being misconstrued or misused in characterizing a facility's compliance record. Once incorrect information is released, it is often difficult for affected facilities to overcome misperceptions that may form. Clearly flagging specific data items throughout the database would allow users discern which items are under review and enable the remaining portions of the reports to be used with increased confidence rather than questioning the veracity of each data item on a generally-flagged report. In addition to clearly flagging items being reviewed, the reason for conducting the review should be made available and readily accessible. This could be accomplished by linking directly to comments that are submitted reporting errors and would continue to provide transparency in the entire process.

The challenges discussed above should be addressed to ensure accurate information is made available to all stakeholders in a transparent manner that is consistent with EPA's mission and all of its operating mandates. Thank you for the opportunity to provide input on this matter.

Sincerely,

David Jacoby
Environmental Affairs
Georgia-Pacific Corporation

Electronic submission